

REMARKS/ARGUMENTS

After entry of this amendment, claims 1, 2, and 5-13 and 16-34 are pending. Claims 3 and 4 and 14 and 15 have been cancelled as redundant in view of other amendments. The independent claims had previously been amended to specify genomic segments of DNA on filing the application. The independent claims are now further amended in two respects: first to specify that the three fibrinogen transgenes are linked as a single vector, and second insofar as relevant to specify introduction of DNA into an early stage embryonic cell. Support for the first amendment is provided at e.g., col. 6, lines 18-21 and for the second at col. 6, line 25. Claims 35-37 have not been entered and are not pending.

The claims are rejected on the basis that the reissue oath does not state that the inventors have reviewed the reissue application or that the error regarding the "heterologous" genomic segment amendment in claim 30 corrects an error made without deceptive intent. In response, it is noted that paragraph (3) of the declaration does say that the inventors have reviewed the application including the claims. Further, the error in respect of "genomic" DNA discussed at paragraphs (9)-(10) appears to have been intended to include all references to genomic DNA including that in claim 30. Accordingly, reconsideration is respectfully requested. In any event, Applicants propose to defer submitting a supplemental issue pending evaluation of allowable so that it can encompass any other corrections made in the course of the reissue.

Claims 1-34 also stand rejected on the basis of estoppel over the BPAI decision in interference 104,242. As noted above, the claims have been amended to specify that the three genomic segments are linked in a single vector. Linkage in a single vector ensures equal numbers of each transgene are integrated in the same site in the same orientation leading to substantially equally expression of the transgenes. Equal expression particularly in combination with genomic transgenes is useful for obtaining a transgenic animal with high expression levels of fibrinogen in milk.

The previous interference did not consider claims in which genomic segments of the three fibrinogen genes were linked in a single vector. Also, such is not disclosed in Velander application (now US 6,984,772) that was involved in the interference.

Accordingly, reconsideration is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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